

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HENRY J. JACKSON,

Plaintiff,

-against-

N.J. HOPEWELL TOWNSHIP,

Defendant.

23-CV-5240 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, acting *pro se*, filed this complaint on June 20, 2023, seeking leave to proceed *in forma pauperis*. By order dated June 21, 2023, the Court dismissed Plaintiff's complaint on the ground that he was barred from filing new actions in this Court *in forma pauperis*. *See Jackson v. Office of the Civil Rights Comptroller*, ECF 1:19-CV-1827, 6 (S.D.N.Y. Apr. 23, 2019), *appeal dismissed*, No. 19-1298 (2d Cir. May 20, 2019) (effective June 10, 2019). (ECF 3.) In the same order, the Court also denied *in forma pauperis* status for purposes of an appeal. The Clerk of Court entered judgment on June 21, 2023. (ECF 4.)

On July 10, 2023, Plaintiff filed a notice of appeal, a motion for an extension of time to file a notice of appeal, and a request to proceed *in forma pauperis*. (ECF 5-7.) On July 28, 2023, Plaintiff renewed his motion for an extension of time to appeal. (ECF 9.)

Under Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure, a notice of appeal in a civil case must be filed within 30 days after entry of judgment. Because Plaintiff's July 10, 2023 notice of appeal was filed within 30 days after entry of judgment on June 21, 2023, the notice of appeal is timely, and a motion for extension of time to appeal is unnecessary. Accordingly, Plaintiff's motion for extension of time to appeal is denied as moot.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is again denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

CONCLUSION

Plaintiff's motions for an extension of time to file a notice of appeal (ECF 7, 9) is denied as moot. Plaintiff's motion for leave to appeal in forma pauperis (ECF 6) is denied. The Clerk of Court is directed to terminate all pending motions.

SO ORDERED.

Dated: September 18, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge